IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2232 OF 2005

Shri.Jugal Rathi ..Applicant

Vs.

M/s. First Trading Housing Ltd. & Anr. ..Respondents

...

Mr. J.P.Singh Advocate for Applicant
Mr. Y.S.Shinde, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 22,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned M.M. 23rd Court at Esplanade Mumbai in Case No.217/S/2002. In the said case process is issued under Section 138 of Negotiable Instruments Act.

3. However, for the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and

dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within four weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]